



UNITED STATES PATENT AND TRADEMARK OFFICE

MA
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,922	08/31/2001	Joseph B. Fuller	29409/01	2250

7590
Joseph T. Guy, Ph.D.
Nexsen Pruet Jacobs & Pollard, LLC
PO Drawer 10648
Greenville, SC 29603-0648

11/27/2007

EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
----------	--------------

3671

MAIL DATE	DELIVERY MODE
-----------	---------------

11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/944,922	FULLER, JOSEPH B.	
	Examiner	Art Unit	
	Alicia M. Torres	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 September 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4 and 5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4 and 5 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application
6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winslow 2,038,697 in view of Moore 4,107,901 and Shuman, Jr. 3,330,102.

Winslow discloses a device comprising:

- A base (1) including
 - A motor (not shown, see column 1, lines 38-41) attached directly to the base (1)
 - Two unidirectional wheels (3) attached to the front of the base (1)
 - A multidirectional wheel (4) attached to the rear of the base (1)
 - A handle (10)
 - A universal joint (see Figure 4) comprising
 - two non-parallel axles (13, 15) connecting the handle (10) to the rear of the base (1) above the multi-directional wheel (4)
 - a handle couple (11) attached to the handle (10)
 - a link (12) rotatably attached to the handle couple (11)
 - a bracket (14) rotatably attached to the link (12) and attached to the base (1)

- o A recess (see Figure 2).

While Winslow discloses that the connection may be used on a lawn mower, Winslow does not specifically disclose wherein the motor is attached to and rotates a line-cutting element. Winslow fails to disclose a lower grip attached to the handle.

Moore discloses a wheeled lawn mower wherein the electric motor (6) is attached to and rotates a line-cutting element (11).

Shuman, Jr. discloses a lawn trimmer (10), not meant to be carried but pushed and wheeled (15) over the ground, including a lower grip (19) attached to the handle (18) to facilitate control of the apparatus.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the cutting line of Moore on the lawn mower of Winslow in order to provide a cutting device with simple and lightweight construction.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the lower grip of Shuman, Jr. on the lawn mower of Winslow in order to facilitate the manual operation and control of the lawn mower.

With respect to the multidirectional wheel (4) of Winslow, it appears the wheel is multidirectional since a user would be forced to drag the wheel (4) across the lawn in order to get from the position shown in Figure 2 to that of Figure 3 if the structure were any otherwise.

Response to Arguments

The applicant argues that the prior art references previously used all teach a lower handle on a device which is intended to be fully supported by the operator. It can be seen in the rejection

above that Shuman, Jr. discloses a lawn trimmer meant to be wheeled over and fully supported by the ground, as opposed to being carried or fully supported by the operator. Shuman, Jr. explicitly states in column 2, lines 63-65 that the trimmer includes a lower grip meant to facilitate manual operation and control of the trimmer. In this case, Shuman, Jr. discloses a device much like that of Winslow and it is therefore obvious to include Shuman, Jr.'s lower grip on the lawn mower of Winslow.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Friday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-3600. The fax number for this Group is 571-273-8300.

**/Alicia M. Torres/
Patent Examiner
Group Art Unit 3671**

AMT
November 16, 2007